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ART UNIT	PAPER NUMBER
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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☑ Responsive to communication(s) filed on _12-28-95_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _3_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☑ Claim(s) _2-16_ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) _2-16_ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☑ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☑ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☑ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

PTOL-326 (Rev. 10/95)

* U S GPO: 1996-409-290/40029

DETAILED ACTION

Claim Objections

1.   Claims 8 is objected to because of the following informalities: in line 5, "an processor"

should be --a processor--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   Claim 2 recites the limitation "said storage device" in line 13 . There is insufficient

antecedent basis for this limitation in the claim.

3.   Claim 5 recites the limitation "said receiver station data storage device" in 11. There is

insufficient antecedent basis for this limitation in the claim.

4.   Regarding claim 9, the phrase "adapted to" in line 3 is vague and indefinite.

5.   Claim 14 recites the limitation "said remote transmitter station" in line 2. There is

insufficient antecedent basis for this limitation in the claim.

6.   Regarding claim 14, the phrase "adapted to" in line 8 is vague and indefinite.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who

> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8.   Claims 2, 3, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Saeki et al (Saeki).

Consider claim 2. Saeki discloses a method for providing a function at a receiver station (fig. 1, item 2), the receiver station having a data network (fig. 1, item 1), a processor (fig. 2a, item 35), an input device (fig. 2a, item 44), and a data storage device (fig. 2a, item 42), the method comprising the steps of:

receiving from the input device a set of information collection parameters (i.e. a command button 0-10, which is the parameters, for receiving a set of information collection as shown in figs. 4-8, cols. 7-8);

generating a query from the set of information collection parameters at the receiver station (fig. 4, i.e. which information do you need?);

promulgating the query from the step of generating a query from the receiver station to the data network through the data network connection (the user entering the command, for example, 1 for weather forecast as shown in fig. 4, and promulgating the query, the command, from the receiver station to the data network); and

receiving operating system instruction in response to the step of promulgating a query (receiving operating system instruction such as display information about the weather; col. 7, lines 3-55);

storing the operating system instructions a the storage device (col. 7, lines 3-28).

Consider claim 3. Saeki further discloses the steps of processing or outputting

information on the basis of the operating system instructions at the receiver station (in fig. 4-8);

storing a data record evidencing the step of processing or outputting (storing a data

record, for example, the user input command 1, which is stored in the video data memory 42);

and

transferring the data record form the step of processing or outputting from the receiver

station storage device to a data collection station on the data network through the data network

connection (the data record, the user input command 1 which is transferred to the data collection

station for the display information; col. 7, lines 1-55).

Consider claim 5. Saeki discloses a method for providing and tracking a receiver

station's (fig. 1, item 2) use of a function in a data network collection station, the receiver station

having a data network (fig. 1, item 1), a processor (fig. 2a, item 35), an input device (fig. 2a,

item 44), and a data storage device (fig. 2a, item 42), the method comprising the steps of:

providing operating system instructions or executable code to a plurality of receiver

stations from the plurality of data source (fig. 1, 27) (fig. 4, col. 7, lines 1-55);

performing a function based on the operating system instruction or executable code at the

receiver station (fig. 4, col. 7, lines 1-55);

recording an identification (i.e. command 0-10) of the function performed at the step of

performing a function at the receiver station on the receiver station data storage device (recording

an identification, for example the user input command 1, which is transferred to the data

collection station for the display information; col. 7, lines 1-55); and

transferring the record of identification of the function performed at the receiver station to

a data collection station on the data network through the receiver station network connection (the

data record, the user input command 1 which is transferred to the data collection station for the

display information; col. 7, lines 1-55).

Consider claim 7. Saeki further discloses the function in the step of performing a

function is a series of numerical functions performed on a computer (the command data is

performing at the data network computer 26).

9.   Claims 8-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al.

(Campbell).

Consider claim 8. Campbell discloses in figure 1 and 2, a method of delivering and

gathering information on the use of a control signal in a communication network, the network

comprising a transmitter station (fig. 1, item 20) and receiver station (fig. 1, item 12, 16), the

transmitter station being capable of receiving queries and communicating program materials and

data (col. 4, lines 41-48), the receiver station comprising an input device for inputting a

command (fig. 2, program source), a processor for receiving programming instruction and

communicating information (fig. 2, pcs 50), and a computer for storing data and controlling

presentations (fig. 2, pcs 50; col. 7, lines 16-31), the method comprising the steps of:

programming the computer to store a portfolio of data that designate a plurality of

personal interests of a subscriber (i.e. weather, news, stock, and other; col. 5, lines 5-15);

querying the transmitter station for data of programming of interest (col. 4, lines 41-48);

receiving some portion of a presentation control signal or some mass medium

programming (as depicted in figure. 11) on the basis of a comparison with information stored in

the computer (col. 13, lines 1-68);

presenting a unit of mass medium programming at a computer peripheral location (fig. 6,

item 104; col. 9, lines 62-68) on the basis of the data or programming of interest received from

the transmitter station (i.e. movies are present at the computer peripheral location 36, 40); and

communicating from the receiver station a datum of the unit of mass medium

programming or the portion of a presentation control signal (as shown in fig. 11; col. 13, lines 1-

68).

Consider claim 9. Campbell discloses (fig. 1 and 2), a method of controlling a plurality

of receiver stations each of which includes a television receiver (40), a signal detector (fig. 6,

item 112), a processor (fig. 6, item 104; col. 9, line 62-68), and with each of the receiver station

connected to detect the presence of one or more control signals and programmed to process

downloadable executable code (as shown in fig. 11), the method of controlling comprising the

steps of:

receiving at a transmitter station some downloadable executable code which is effective

at a receiver station to store operating system instructions at a storage device associated with a

processor, the downloadable executable code having at each of the plurality of receiver stations a

target processor to process data (i.e. event enable word as shown in fig. 11 which display a pay-

per-view movie at a particular television receiver 40; col. 12, lines 1-34) ;

transferring the downloadable executable code from the transmitter station (fig. 1, items

10, 11) to a transmitter(fig. 1, item 20);

receiving one or more control signals at the transmitter station, the one or more control

signals operate to execute the downloadable executable code (as depicted in fig. 11); and

transferring the one or more controls signals from the transmitter station to the

transmitter, and transmitting an information transmission comprising the downloadable

executable code and one or more control signals (as depicted in fig. 11 which is transmitted from

the transmitter, the head end station, to the television receiver 40).

Consider claim 10. Campbell further discloses wherein the downloadable executable

code or some identification data in respect of the downloadable executable code are embedded in

a television signal (cols. 5 and 6).

Consider claim 11. Campbell further recites wherein a television program is displayed at

a receiver station and the downloadable executable code programs the receiver station processor

or computer to output video, audio, or text in the context of the television program or to select

information that supplements the television program content (col. 7 and 8).

Consider claim 12. Wherein the one or more control signals incorporate some of the

downloadable executable code (fig. 11).

Consider claim 13. Campbell discloses (fig. 1) a method of providing a function to a

receiver station (40) from a remote data source (10, 11), the method comprising the steps of:

storing data at the remote data source (i.e. weather, news, stock, and other; col. 5, lines 5-

15);

receiving at the remote data source a query for a function or a record evidencing

availability, use, or usage of a function from the receiver station (for example a user ordering a

pay-per-view movie; col. 17, line 42-64);

transmitting an instruct signal which is effective at the receiver station to store operating

system instructions (tire code) at a storage device associated with a processor from the remote

data source to the receiver station in response to the step of receiving the query or the record, the

receiver station storing the operating system instructions (i.e. storing tire code; col. 12, lines 1-

34); and

transmitting from a second remote source (fig. 1, item 20) to the receiver station a signal

which controls the receiver station to process the operating system instructions and performs the

function (i.e. authorization is transmitted the converter, receiver station 40, the data control

system at the head end to have access to a given channel, col. 12, lines 27-34).

Consider claim 14. Campbell teaches (fig. 1, 2, 6 & 11) a method of controlling a remote

intermediate data transmitter station (fig. 1; 11) communicate data to one or more receiver

stations (fig. 2; 40), with the remote intermediate transmitter station including a broadcast or

cablecast transmitter (20) for transmitting one or more signal (fig. 11) which are effective at a

receiver (32) to instruct a computer or processor (fig. 6, 112, 114, 104), a plurality of selective

transmission devices (figs. 1; 12, 16) each operatively connected to said broadcast or cablecast

transmitter for communicating a unit of data, a data receiver, a control signal detector, and a

controller or computer capable of controlling one or more of the selective transmission devices

(as shown in fig. 11), and with the remote transmitter station connected to detect the presence of

one or more control signals, to control the communication of specific instruction signal (col. 13,

lines 1-68), and to deliver at its broadcast or cable cast transmitter one or more instruct signals,

the method communicating comprising the steps of:

receiving an instruct signal (i.e. channel control word, as shown in fig. 11, being effective

at the converter 40) to be transmitted by the remote data transmitter station and delivering the

instruct signal to a transmitter, the instruct signal being effective at a receiver station to store

operating system instructions at a storage device (inherently present in the converter 40) associate

with a processor (104) (col. 8, lines 18-62; col. 13, lines 25-60);

receiving the one or more control signals (i.e. 201 as depicted in fig. 11) which at the

remote intermediate data transmitter station operate to control the communication of the instruct

signal (col. 4, lines 26-48); and

transmitting the one or more control signals (i.e. specific movie to be shown at a specific

time) to the transmitter before a specific time (col. 12, lines 1-34; col. 15, lines 16-39).

Consider claim 15. Campbell further discloses the step of embedding a specific one of

the one or more control signals (fig. 11) or in an information transmission containing the instruct

signal before transmitting the instruct signal to the remote transmitter station (col. 3, lines 27-43).

Consider claim 16. Campbell further discloses wherein the specific time is a schedule

time of transmitting the instruct signal or some information associated with the instruct signal

from the remote intermediate data transmitter station and the one or more control signals are

effective at the remote intermediate data transmitter station to control one or more of the plurality

of selective transmission device at different times (i.e. a plurality of user order a pay-per-view

movie which is delivered at different time; col. 12, lines 1-34; col. 17, lines 42-64).

Art Unit: 2608

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al

(Saeki) in view of Block et al. (Block).

Consider claim 4 and 6. Saeki does not explicitly show the receiver station network

connection is a telephone network connection. Nevertheless, using a telephone network

connection for data transferring is well-known and commonly use in the data communication art

as evidenced by Block.

Hence, it would have been obvious to one of ordinary skill in the art to use a telephone

network in order to transmit data between a data network and a receiver station, as taught by

Block, since telephone networks are commonly located in rural area as opposed to CATV

broadcast transmission line.